

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PROGRESSIVE CASUALTY INSURANCE
COMPANY,

Plaintiff,

v.

JACKIE K. DELANEY; et al.,

Defendants.

Case No. 2:11-cv-00678-LRH-PAL

ORDER

(Mtn to File Under Seal - Dkt. #151)

This matter is before the court on Defendant Federal Deposit Insurance Company, as Receiver for Sun West Bank's ("FDIC-R"), Motion to Seal Exhibits B-H to FDIC-R's Status Report (Dkt. #151) filed June 9, 2014. The court has considered the Motion.

The Motion seeks an order pursuant to LR 10-5(b) permitting FDIC-R to file Exhibits B-H attached to the FDIC-R's Status Report (Dkt. #149) under seal. Progressive has claimed these records are subject to the parties' Confidentiality Agreement and Stipulated Protective Order (Dkt. #63). The FDIC-R requests the Exhibits remain under seal until Progressive has had an opportunity to make a particularized showing of good cause to keep the documents sealed.

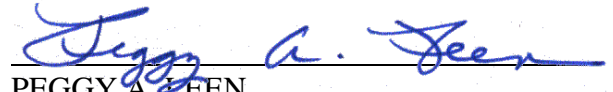
A party seeking to seal documents attached to non-dispositive motions must make a "particularized showing under the good cause standard of Rule 26(c)." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (citing *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)). The court appreciates that the Motion to Seal was filed to comply with the FDIC-R's obligation to treat the documents designated by opposing counsel as confidential. However, a statement that Plaintiff has designated the documents as confidential does not establish good cause for sealing documents attached to a non-dispositive motion filed with the court. Therefore, the FDIC-R has not made a showing of good cause to support sealing the documents.

1 For these reasons,

2 **IT IS ORDERED:**

- 3 1. The FDIC-R's Motion to Seal Exhibits B-H to the FDIC-R's Status Report (Dkt.
4 #151) is **DENIED WITHOUT PREJUDICE**.
- 5 2. Progressive shall have until **June 25, 2014**, to file a memorandum of points and
6 authorities and any supporting declaration or affidavit to make a particularized
7 showing of good cause why the Exhibits B-H attached to the FDIC-R's Status Report
8 (Dkt. #149) should remain under seal.
- 9 3. Exhibits B, C, D, E, F, G, and H attached to the FDIC-R's Status Report (Dkt. #149)
10 shall remain under seal until **June 25, 2014**. If Progressive fails to timely comply
11 with this order, the Clerk of Court is directed to unseal the documents and make them
12 available on the public docket.

13 DATED this 10th day of June, 2014.

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16 PEGGY A. LEEN
17 UNITED STATES MAGISTRATE JUDGE
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